

Remarks

Claims 1-4 and 15 are pending in the subject application. Claims 5-14 had previously been withdrawn; however, by this Amendment, the applicants are canceling claims 5-14 as being drawn to non-elected subject matter. Further, the applicants have cancelled claims 4 and 15 and have amended claim 1. Support for the amendment to claim 1 can be found throughout the subject specification and the claims as originally filed, see, for example, original claim 10, and, for example, the paragraph bridging pages 13 and 14. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1-3 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

The amendments set forth herein have been made to lend greater clarity to the claimed subject matter and to expedite prosecution by focusing the claims on the subject matter indicated by the Examiner to be allowable (see, for example, page 4 of the Office Action dated December 16, 2004). These amendments should not be taken to indicate the applicants' agreement with, or acquiescence to, the rejections of record. The applicants appreciate the Examiner's indication of allowable subject matter. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

The applicants wish to thank Examiner Qian for the courtesy extended to the undersigned, and Ms. Margaret Efron, during the personal Examiner Interview conducted on August 23, 2005. This response and the amendments set forth herein are submitted in accordance with the substance of that interview and constitute a summary thereof.

Claims 1-4 and 15 have been rejected under 35 U.S.C. §112, first paragraph. As noted above, the applicants have cancelled claims 4 and 15 and have amended claim 1 to more clearly define the claimed subject matter. Specifically, claim 1 has been amended to clarify that the artificial chromosomes of the subject invention comprise a very specific polynucleotide sequence that is between C8 and C<sub>7</sub>3, and regulates gene expression. As described in the applicants' specification, and as noted by the Examiner, this polynucleotide sequence has been shown to have excellent functional utility. The applicants respectfully submit that the claim as amended now fully satisfies the requirements of 35 U.S.C. §112, first paragraph. Accordingly, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

JASTI-RFSP\GJE-87\3amend.doc\DNIVia

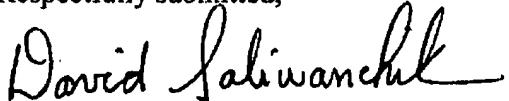
Docket No. GJE-87  
Serial No. 10/081,599

In view of the foregoing remarks and amendments to the claims, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



David R. Saliwanchik  
Patent Attorney  
Registration No. 31,794  
Registration No. 45,332  
Phone No.: 352-375-8100  
Fax No.: 352-372-5800  
Address: P.O. Box 142950  
Gainesville, FL 32614-2950

DRS/la

Attachments: Request for Continued Examination

JASII-RESPGJ1A87F-3amend.doc\DNM\la